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12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**  
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ASHLEY E. RUDOLPH,  
Plaintiff,  
v.  
KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,  
Defendant

Case No. 2:20-cv-00922-DMC

STIPULATION FOR AWARD OF  
ATTORNEY'S FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT. (28  
U.S.C. § 2412(d))

Plaintiff requests the court award attorney fees in the amount of ten thousand and five hundred dollars (\$10,500.00) under the Equal Access to Justice Act EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

APPLICATION AND JOINT STIPULATION FOR AWARD OF ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT. (28 U.S.C. § 2412(d) - 1

1 Plaintiff offered to settle to a reduced fee on October 21, 2022.  
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3 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the  
4 ability to honor the assignment will depend on whether the fees are subject to any offset  
5 allowed under the United States Department of the Treasury's Offset Program. After the order  
6 for EAJA fees is entered, the government will determine whether they are subject to any offset.  
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8 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
9 that Plaintiff does not owe a federal debt, then the government shall cause the payment of  
10 fees, expenses and costs to be made directly to Josephine M. Gerrard, pursuant to the  
11 assignment executed by Plaintiff. Any payments made shall be delivered to Josephine M.  
12 Gerrard.

13 This award is without prejudice to the rights of Josephine M. Gerrard or Gerrard Law  
14 Offices to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings  
15 clause provisions of the EAJA. The EAJA award will be deducted from the 42 U.S.C. § 406(b)  
16 motion for attorney fees.

17 Plaintiff requests that the Court find that she meets the statutory requirements for an  
18 award of attorney fees under the EAJA and that the Commissioner's position was not  
19 substantially justified, and award \$10,500 in attorney fees under 28 U.S.C. § 2412(d).

20 The proposed order is respectfully submitted by the following:

21  
22 /s Josephine M. Gerrard  
23 JOSEPHINE M. GERRARD  
24 ATTORNEY FOR PLAINTIFF

25 By email  
26 /s Oscar Gonzalez de Llano  
27 Oscar Gonzalez de Llano

28 APPLICATION AND JOINT STIPULATION FOR AWARD OF ATTORNEY'S FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT. (28 U.S.C. § 2412(d) - 2

1 Office of General Counsel Social Security Administration LEAD ATTORNEY  
2

3 Edward Alan Olsen, SS  
4 US Attorney's Office  
5 ATTORNEY TO BE NOTICED  
6 /s Josephine M. Gerrard  
7 JOSEPHINE M. GERRARD  
8 ATTORNEY FOR PLAINTIFF  
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10 **ORDER**  
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12 **APPROVED AND SO ORDERED:**  
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15 Dated: October 24, 2022  
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18 DENNIS M. COTA  
19 UNITED STATES MAGISTRATE JUDGE  
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APPLICATION AND JOINT STIPULATION FOR AWARD OF ATTORNEY'S FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT. (28 U.S.C. § 2412(d) - 3